

### **REMARKS**

Claims 34-35 are pending herein. By this Amendment, Claims 9-11, 14-15, 18-19, 22-23, 25-29, and 31-33 are canceled, without prejudice or disclaimer; and new Claims 34-35 are added.

Support for the new claims is found in the specification at, *inter alia*, paragraphs [0018], [0028], [0030], [0034], [0042]-[0043], [0046], [0049], [0057], [0064], [0067], [0075], [0077]-[0078], [0088], [0090] and in the original claims, for example Claim 5 (computer system), and in the Figures.

Please note that the paragraph numbers above refer to the printed patent application publication, US 2007/0005962 A1. For example, paragraph [0072] is:

[0072] After enrollment, a Participant may prepare a negotiating position for their role or roles. The preparation is accomplished with a syntax-directed editor configured to follow the schema. These editors are readily available commercial products that need not be described further. This preparatory step may occur at any time up until the point a Discovery Encounter is planned.

However, when viewed online the same paragraph is numbered [0071]. This one paragraph discrepancy between the online version and the printed version appears to occur at paragraphs [0042]-[0043] and then throughout the remainder of the application.

#### **I. Examiner Interview**

Applicant thanks Examiners Obeid and Hewitt for the courtesies extended to Applicant and his representative at the April 29, 2009 personal interview. At the interview, the invention was discussed in detail, including the broker's providing the parties with a vocabulary/dictionary and a syntax rule to describe a negotiating position, the parties' use and exchange of an encryption key, and the manner in which the broker (while not possessing the encryption key) determined the syntax rule from unencrypted words, and located identical encrypted words in each parties' partially encrypted negotiating position that would serve as a basis-for-agreement.

Applicants drafted new Claims 34-35 in an effort to comply with the notes from the Examiner interview and forwarded the draft claims to both Examiners for comment.

In a May 28, 2009 telephone conference, Examiner Obeid indicated that the 101 rejection was overcome by the new claims. Examiner Obeid specifically asked for Applicant to point out support in the specification for the claimed “syntax rule” and “said broker computer comparing the negotiation positions of the first party and the second party to find a statement or statements in both negotiation positions”.

Accordingly, Applicant notes that support for the claimed syntax rule is found in, *inter alia*, paragraphs [0042]-[0043], paragraph [0046] (encoding rules); paragraph [0057] (predefined rules for construction of syntactically correct statements); paragraph [0072] (syntax-directed editor to follow schema); and paragraph [0090] (grammar rules). Support for “said broker computer comparing the negotiation positions of the first party and the second party to find a statement or statements in both negotiation positions” is found in, *inter alia*, paragraphs [0018]-[0019], [0049], [0064], [0075] (broker compares positions to find whether there is an encrypted statement found in both positions), and [0088] (computer).

## II. Formal Matters

Claims 9-11, 18-19, 22-23, 25-27, 29 and 31-33 were rejected under 35 U.S.C. 112, second paragraph, as assertedly being indefinite. Claims 9-11, 18-19, 22-23, 25-27, and 31-33 are canceled, thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

## III. Rejections Over Cited Art

Claims 8-13 [sic], 17 [sic], 19-23, 25 and 28-29 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent Application Publication 2002/0184153 A1 (De Vries) in view of U.S. Patent No. 7,181,017 (Nagel) and further in view of U.S. Patent No. 5,960,080 (Fahlman).

Claims 7 and 18 were rejected under 35 U.S.C. 103(a) as unpatentable over De Vries and Nagel and in view of Applicant's Admission.

Claims 32-33 were rejected under 35 U.S.C. 103(a) as unpatentable over De Vries and Nagel and Fahlman and in view of U.S. Patent No. 7,302,582 (Snapp).

Claims 9-11, 14-15, 18-19, 22-23, 25-29, and 31-33 are canceled, thereby rendering these rejections moot. Regarding the pending claims, none of the cited art teaches or suggests:

(1) transmitting a predefined vocabulary and syntax rule from a broker computer to a first party and to a second party;

(2) the first party and the second party each preparing a negotiation position comprising statements according to the predefined vocabulary and syntax rule provided by the broker computer,

(3) the first party sending an encryption key to the second party;

(4) the first party and the second party applying the encryption key to partially encrypt their negotiation positions so that the statements in each negotiating position comprise encrypted words and non-encrypted words;

(5) transmitting files comprising the partially encrypted negotiation positions to the broker computer, wherein said broker computer does not possess the encryption key;

(6) said broker computer comparing statements in the transmitted files to identify the syntax rule of each statement from the unencrypted words and to locate identical encrypted words in the negotiation statements;

(7) said broker computer comparing the negotiation positions of the first party and the second party to find a statement or statements in both negotiation positions;

(8) said broker computer transmitting to the first party and the second party a basis-for-agreement comprising the statements found in both negotiating positions; and

(9) said first party and the second party decoding the basis-for-agreement.

Thus, it would not have been obvious for one of ordinary skill in the art to practice the claimed methods in view of the combined teachings of De Vries, Nagel, Fahlman, and Snapp. Reconsideration and withdrawal of the rejection are respectfully requested.

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

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AMENDMENT  
Docket No. 907.0002

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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